THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.24025 OF 2006

DATED 18th NOVEMBER, 2006

BETWEEN

A.Ravi Kumar

… Petitioner

and

The Secretary, Mines and Minerals, Government of Andhra Pradesh, Secretariat, Hyderabad and others.

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.24025 OF 2006

ORDER:

The petitioner made an application to the third respondent for grant of quarry lease for road metal over an extent of Acs.2.50 in survey No.87/1 Tiruveedhipadu Village of Dagadarthi Mandal in Nellore District. It appears fifth respondent also had filed similar application for the same land and his application was rejected on 03.05.2006. The fifth respondent filed an appeal before the second respondent. The petitioner then filed an application before second respondent to get impleaded in the said appeal. The second respondent heard the matter and passed orders on 04.11.2006 setting aside the proceedings of the third respondent, dated 03.05.2006 rejecting the application of the fifth respondent for grant of quarry lease. The second respondent also directed the third respondent to process the application of the fifth respondent for grant of quarry lease afresh. Aggrieved by the same, the petitioner filed revision petition before the first respondent on 10.11.2006, which is still pending. In the meanwhile, the fourth respondent is allegedly taking necessary action to execute lease deed in favour of fifth respondent for leasing out Acs.2.50 for road metal. In this writ petition, the same is assailed as arbitrary and illegal.

Learned counsel for the petitioner submits that though the petitioner has filed a revision petition before the Government under Rule 35-A of A.P.Minor Mineral Concession Rules, 1966, and also first respondent did not pass immediate orders and pending revision, if the lease is executed in favour of fifth respondent, the revision petition would be rendered useless.

Admittedly the petitioner has already filed a revision petition against the order of the second respondent. Therefore, the writ petition is not maintainable. It is well settled that when a statutory appeal or departmental appeal is filed by the aggrieved person, a writ petition would not lie (See **Bombay Metropolitan Region Development Authority v Gokak Patel Volkart Limited**[1]).

Liberty is therefore given to the petitioner to approach the first respondent and obtain appropriate orders. With the above observations, the writ petition is dismissed. No costs.

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(V.V.S.RAO,J)

18.11.2006.
pln

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[1] (1995) 1 SCC 642